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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/394,544	09/13/1999	MICHAEL HENRY POCOCK		4381

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CANADA

EXAMINER

HARVEY, DAVID E

ART UNIT	PAPER NUMBER
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2614

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DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/394,544

Applicant(s)

POCOCK, MICHAEL HENRY

Examiner

DAVID E HARVEY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2614

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 10-12, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. [JP #57-57094] in view of Jackson et al. [US #3,456,071].

I. The showing of Fujita et al :

As is shown in figure 6, Fujita et al. disclosed an interactive television system which comprised:

- 1) A centrally located presentation system (e.g. @ A);
- 2) At least one broadcast video presentation source (e.g. @ 3);
- 3) An interactive presentation source (e.g. @ 4);
- 4) TV signal encoding, combining, and transmitting circuitry (e.g. @ 7-10);

Art Unit: 2614

5) A television distribution network (e.g. represented @1a and 1b);

6) One of a plurality of remotely located terminal (e.g. @ B);

7) TV signal receiving and decoding circuitry (e.g. @ 11 and 12);

8) Identification circuitry (e.g. @ 15, & 18);

9) Selection circuitry (e.g. @ 17-20); and

10) Capture circuitry (e.g. @14); and

11) A return link (e.g. 1b) for transmitting interactive instructions back to the central location.

NOTE: While not explicitly stated in Fujita et al., the TV signal sources (4 and 3) inherently provided baseband TV signals that had to be encoded and modulated RF TV signals

Art Unit: 2614

in accordance with the predetermined TV standard that was chosen/unitized by the system.

II. Differences:

Claims 1, 10, 11, 12, 17, and 18 differ from the showing of Fujita et al. only in that claim 1 requires frames of the interactive programming be combined/multiplexed with frames of the TV signal prior to encoding and RF transmission.

III. The showing of Jackson et al.:

Jackson et al. has been cited as evidencing the fact that it was known to have combined/multiplexed the frames of still programming transmissions with frame of a TV signal prior to encoding and RF transmission in order to male more efficient use of the available bandwidth [NOTE: lines 68-72 of column 1; lines 1-49 of column 2; figure 2, etc,...].

IV. Obviousness:

Given the showing of Jackson et al., it would have been obvious to one of ordinary skill in the art to have combined/multiplexed the still frame of the interactive source with the frames of the TV signal source in Fujita et

Art Unit: 2614

al. so as to make more efficient use of the available bandwidth.

3. Claims 2-9 and 13-16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. [JP #57-57094] in view of Jackson et al. [US #3,456,071] for the same reasons as were set forth for claims 1, 10-12, 17 and 18 above. The following is noted:

1) With respect to claims 2: The examiner takes Official Notice that it was well known in the TV transmission arts to have distributed TV signals in digital form over digital distribution networks in view that digital transmission was less susceptible to noise. Transmitting the TV signals in Fujita et al. over such conventional channels, when available, represents an obvious advantageous upgrade of technology;

2) With respect to claims 3 and 4: It is noted that digital TV distribution networks typically included conventional data compression schemes that reduced/eliminated redundant data in order to make efficient use of available bandwidth;

Art Unit: 2614

i.e. digital TV signal transmission by its very nature puts pressure on the capacity of such TV networks;

3) With respect to claims 5 and 13: Return links in interactive TV networks were often made via the telephone network being that two-way systems were rarely available. The examiner maintains that it would have been obvious to have further modified Fujita et al. with to utilize a telephone return link to provide the disclose service in areas not served by two-way TV network:

4) With respect to claims 6, 14, and 16: The examiner takes Official Notice that it was notoriously well known in the TV art to have utilized computers to receiver process and display transmitted TV signaling. Therefor, having implemented the receiver circuitry (B) of modified Fujita et al. with an appropriately programmed computer represents an obvious upgrade of technology;

5) With respect to claim 7: A still frame is, by definition, a single image.

Art Unit: 2614

6) With respect to claims 8 and 19: The examiner takes Official Notice that still frame systems, of the type described by Fujita et al., were conventionally used to transmitted still frame individually as well as in groups. It would have been obvious to utilize the modified system of Fujita et al. in such a conventional way.

7) With respect to claim 9: The examiner takes Official Notice that digital storage and retrieval was long used by broadcasters and consumers to time shift TV programming, advantageously, without degradation. It would have been obvious to one of ordinary skill in the art for the broadcaster or consumer in the modified system of Fujita et al. to utilize such digital devices when desirably recording programming for later/preferred viewing.

8) With respect to claim 15: The examiner takes Official Notice that wireless return link were well known in the two-way TV art. It was the "most" convenient, and the most expensive, form of return link because it eliminated the need of additional wiring but required a wireless network. Selecting the wireless return therefor represents a classic tradeoff between cost and convenience.

Art Unit: 2614

4. Claims 13-15 are objected to because of the following informalities:

- 1) They are original claims and yet depend from subsequently listed claim 16.

Appropriate correction is required.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E HARVEY whose telephone number is (703) 305-4365. The examiner can normally be reached on M-F from 9AM to 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

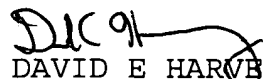
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system,

Application/Control Number: 09/394,544

Page 9

Art Unit: 2614

see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAVID E HARVEY
Primary Examiner
Art Unit 2614